

MONDAY, MAY 15, 1995

FORTIETH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Bob Hardison, Franklin, Tennessee.

Representative Callicott led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Pruitt; personal reasons.

PERSONAL ORDERS

RULES SUSPENDED

Rep. Cross moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 291 out of order, which motion prevailed.

House Joint Resolution No. 291 -- Memorials, Public Service-- Robert L. Woodson, Jr., "Citizen of the Year". by *Cross.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cross, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Kent moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 280 out of order, which motion prevailed.

House Joint Resolution No. 280 -- Memorials, Public Service -- Homer Skelton, 1995 Toyota President's Award recipient. by *Kent.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kent, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Gunnels moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 279 out of order, which motion prevailed.

House Joint Resolution No. 279 -- Memorials, Death -- Sue Jacobs Brewer. by *Gunnels.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. Gunnels requested that the Clerk read House Joint Resolution No. 279.

On motion of Rep. Gunnels, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Davis requested that House Resolution No. 84 be set for the Calendar for Wednesday, May 17, 1995, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 298: Rep(s). Buck as prime sponsor(s).

House Bill No. 306: Rep(s). Walley as prime sponsor(s).

House Bill No. 389: Rep(s). Ridgeway as first prime sponsor(s).

House Bill No. 406: Rep(s). Kent as prime sponsor(s).

House Bill No. 557: Rep(s). Ramsey, Westmoreland and Venable as prime sponsor(s).

House Bill No. 571: Rep(s). Head, Venable, Ramsey and Williams(Union) as prime sponsor(s).

House Bill No. 590: Rep(s). DeBerry J as prime sponsor(s).

House Bill No. 808: Rep(s). Peach, Pinion, Fitzhugh, Cross, White, Ridgeway, Naifeh, Hargrove, McDaniel, Williams(Union), McDonald, Ford and Duer as prime sponsor(s).

House Bill No. 832: Rep(s). Kent as prime sponsor(s).

House Bill No. 884: Rep(s). Phelan as prime sponsor(s).

House Bill No. 1040: Rep(s). Odom as prime sponsor(s).

House Bill No. 1383: Rep(s). Herron and Williams(Union) as prime sponsor(s).

House Bill No. 1585: Rep(s). Bell as prime sponsor(s).

House Bill No. 1637: Rep(s). Brooks as prime sponsor(s).

House Bill No. 1657: Rep(s). Head as prime sponsor(s).

House Bill No. 1729: Rep(s). Odom as prime sponsor(s).

House Bill No. 1748: Rep(s). Herron as prime sponsor(s).

House Bill No. 1762: Rep(s). Halteman Harwell as prime sponsor(s).

House Bill No. 1887: Rep(s). McMillan as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship could not be granted since request was made after passage/adoption of said bill/resolution:

House Joint Resolution No. 50: Rep(s). Bowers.

House Bill No. 33: Rep(s). Herron.

MESSAGE FROM THE GOVERNOR May 2, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 383, 492, 667, 679, 1030, 1351, 1494, 1846, 1866, 1870 and 1871, with his approval.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
May 2, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 684, 693, 938, 1340 and 1355, with his approval.

HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS
May 2, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 886, 953, 1465, 1528, 1544, 1685, 1874, 1877, 1882, 1885 and 1886; House Joint Resolution(s) No(s). 20, 163, 164, 165, 185, 206, 230, 232, 233, 236, 239, 245, 246, 249, 253, 254 and 262; also, House Resolution(s) No(s). 30, 31, 32, 70, 71, 72 and 73.

BETTY KAY FRANCIS, Chief Engrossing Clerk.
SIGNED
May 2, 1995

The Speaker signed the following: House Bill(s) No(s). 886, 953, 1465, 1528, 1544, 1685, 1874, 1877, 1882, 1885 and 1886; House Joint Resolution(s) No(s). 20, 163, 164, 165, 185, 206, 230, 232, 233, 236, 239, 245, 246, 249, 253, 254 and 262; also, House Resolution(s) No(s). 30, 31, 32, 70, 71, 72 and 73.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 2, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 86, 121, 171, 183, 269, 275, 276, 396, 402, 444, 493, 504, 505, 555, 745, 1003, 1122, 1192, 1557, 1735, 1780 and 1814; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 58, 93, 100, 154, 156, 170, 171, 172, 173, 174, 175, 183 and 194; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1, 17, 39, 321, 359, 656, 951, 961, 971, 1125, 1264, 1303, 1439, 1701, 1749 and 1811; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1995

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 78, 143, 173, 227, 228 and 250; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
MESSAGE FROM THE SENATE
May 2, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 886, 953, 1465, 1528, 1544, 1685, 1874, 1877, 1882, 1885 and 1886; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
MESSAGE FROM THE SENATE
May 2, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 20, 163, 164, 165, 185, 206, 230, 232, 233, 236, 239, 245, 246, 249, 253, 254 and 262; all signed by the Speaker.
CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 3, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 17, 39, 321, 359, 656, 886, 951, 953, 961, 971, 1125, 1264, 1303, 1439, 1465, 1528, 1544, 1685, 1701, 1749, 1811, 1874, 1877, 1882, 1885 and 1886; also, House Joint Resolution(s) No(s). 20, 78, 143, 163, 164, 165, 173, 185, 206, 227, 228, 230, 232, 233, 236, 239, 245, 246, 249, 250, 253, 254 and 262.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
May 3, 1995

The Speaker signed the following: Senate Bill(s) No(s). 43, 86, 121, 171, 183, 269, 275, 276, 396, 402, 444, 493, 504, 505, 555, 745, 1003, 1122, 1192, 1557, 1735, 1780 and 1814; also, Senate Joint Resolution(s) No(s). 58, 93, 100, 154, 156, 170, 171, 172, 173, 174, 175, 183 and 194.

MESSAGE FROM THE GOVERNOR
May 4, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 163, 164 and 165, with his approval.

HARDY MAYS, Counsel to the Governor.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
May 4, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 31, 930, 934, 1118, 1412, 1454, 1455, 1747, 1872 and 1881; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 4, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 198, 255, 256, 257, 258, 259, 260, 261 and 263; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR
May 4, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 38 and 1701, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 4, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1615; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 4, 1995

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 4, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 172; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 4, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1731; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
May 4, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 62; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 5, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 390; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 5, 1995

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1783, with no further action taken.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 5, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 147, 200, 201 and 202; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 147** -- Madison County -- Subject to local approval, establishes position of highway engineer to be appointed by legislative body for four year term. by *Koella.

Senate Joint Resolution No. 200 -- Memorials, Academic Achievement -- Laura Beth Thomas, Friendship Christian School valedictorian. by *Rochelle.

Senate Joint Resolution No. 201 -- Memorials, Academic Achievement -- Karie Anne Stewart, 1995 Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 202 -- Memorials, Recognition and Thanks -- "USS Summer County," 50th anniversary. by *Wright.

MESSAGE FROM THE SENATE
May 5, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 193, 331, 429, 556, 575, 726, 756, 768, 816, 873, 1724, 1745, 1761, 1803, 1830, 1843, 1863, 1868, 1877, 1878, 1879, 1880, 1881, 1882, 1884 and 1885; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 193** -- Partnerships -- Provides for formation, registration and regulation of registered limited liability

partnerships. Amends TCA Title 61, Chapter 1. by *Kyle, *Rochelle, *Fowler.

Senate Bill No. 331 -- Williamson County -- Subject to local approval, increases number of general sessions judges to two. Amends Chapter 424, Private Acts of 1939, as amended. by *Jordan.

***Senate Bill No. 429** -- Annexation -- Requires annexation notice used by city to contain map showing area to be annexed; map shall include street names, natural boundaries, and property lines, as appropriate. Amends TCA 6-51-101. by *Rochelle.

***Senate Bill No. 556** -- Agriculture -- Enacts "Tennessee Apiary Act of 1995." Amends TCA Title 44, Chapter 15, Part 1. by *Koella.

***Senate Bill No. 575** -- Corporations -- Revises Limited Liability Company Act; permits actual existence of LLC to begin on future date not more than 120, rather than 90 days, after initial filing. Amends TCA Title 48, Chapters 201 -- 248. by *Kyle, *Gilbert.

***Senate Bill No. 726** -- Education -- Directs state board of education to develop guidelines and criteria whereby local school systems may adopt and enforce uniform clothing for students. Amends TCA Title 49, Chapter 1, Part 3. by *Harper.

Senate Bill No. 756 -- Municipal Government -- Permits municipal school board to be appointed or elected at large as provided by charter rather than present requirement of election from districts. Amends TCA 49-2-201. by *Elsea.

***Senate Bill No. 768** -- Contractors -- Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by *Haynes.

***Senate Bill No. 816** -- Health, Dept. of -- Removes swimming pools owned and operated by condominiums and homeowner associations from requirements imposed upon public swimming pools. Amends TCA Title 68, Chapter 14, Part 3. by *Henry, *Atchley, *Gilbert, *McNally, *Koella, *Ford J.

***Senate Bill No. 873** -- Agriculture -- Deletes requirement that board of agricultural museum submit annual report to governor. Amends TCA Title 43. by *McNally, *Wilder.

Senate Bill No. 1724 -- Fees -- Increases fee for sheriff or constable in Coffee County for attending grand jury or waiting in court from \$45.00 to \$60.00. Amends TCA Title 8, Chapter 21. by *Burks.

***Senate Bill No. 1745** -- Capital Punishment -- Requires trial and appellate courts to give first priority in docketing to cases where state has given notice of intent to seek death penalty or defendant has been sentenced to death. Amends TCA Title 39, Chapter 13, Part 2. by *Person, *Atchley, *Koella, *McNally, *Leatherwood, *Rice, *Carter, *Holcomb, *Miller J, *Elsea, *Haun, *Fowler, *Hamilton.

***Senate Bill No. 1761** -- Criminal Procedure -- Equalizes number of peremptory jury challenges defendant and prosecution are allowed in criminal cases so that in capital cases each side gets ten; in felony cases each side gets six; and in misdemeanor cases each side gets three. Amends TCA Title 40, Chapter 18. by *Miller J, *Koella, *Atchley, *Person, *Elsea, *Leatherwood, *Gilbert, *Carter, *Holcomb, *Haun, *Jordan, *Fowler, *Hamilton.

Senate Bill No. 1803 -- Sentencing -- Makes aggravated assault on employee of department of youth development or department of correction enhancement factor in terms of sentencing for aggravated assault. Amends TCA 39-13-102(d). by *Person, *Atchley, *Rice, *Elsea, *McNally, *Carter, *Jordan, *Haun.

Senate Bill No. 1830 -- Perry County -- Subject to local approval, designates circuit court clerk as clerk of general sessions court when general sessions court exercises juvenile jurisdiction; relieves county clerk of duties. by *Springer.

Senate Bill No. 1843 -- Harriman -- Subject to local approval, authorizes hotel/motel tax. by *O'Brien.

Senate Bill No. 1863 -- Sullivan County -- Subject to local approval, creates consolidated government charter commission. by *Holcomb.

Senate Bill No. 1868 -- Townsend -- Subject to local voter approval, establishes new charter, city council, and municipal boundaries. Amends Chapter 463, Private Acts of 1941, as amended. by *Koella.

Senate Bill No. 1877 -- Maury County -- Subject to local approval, increases membership of civil service board from three to five. Amends Chapter 475, Private Acts of 1967. by *Jordan.

Senate Bill No. 1878 -- Hamilton County -- Subject to local approval, permits county employees pension system to invest in mutual funds and bank common trust funds. Amends Chapter 557, Private Acts of 1939, as amended. by *Fowler, *Crutchfield.

Senate Bill No. 1879 -- Bolivar -- Subject to local approval, amends city charter. Amends Chapter 142 of the Private Acts of 1953, as amended. by *Wilder.

Senate Bill No. 1880 -- Rhea County -- Subject to local approval, authorizes establishment of civil service system for sheriff's department. by *Elsea.

Senate Bill No. 1881 -- Montgomery County -- Subject to local approval, establishes third division of general sessions and juvenile courts. Amends Chapter 232 of the Private Acts of 1953, as amended. by *Rice.

Senate Bill No. 1882 -- Bradley County -- Subject to local approval, creates Bradley County Sheriff's Department Employment Protection Plan. by *Miller J.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

Senate Bill No. 1884 -- Sullivan County -- Subject to local approval, creates consolidated government charter commission. by *Holcomb.

Senate Bill No. 1885 -- Rhea County -- Subject to local approval, authorizes exemption from hotel motel tax for 501(c)(3) tax exempt organizations organized for religious or charitable purposes if reservation is made by, through or in name of such organization and purpose is to conduct official affairs and not for recreational purposes. Amends Chapter 148 of the Private Acts of 1992. by *Elsea.

MESSAGE FROM THE GOVERNOR

May 9, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 173, 971, 1864 and 1878, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 9, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 967, 1509, 1643 and 1865, with his approval.

HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS

May 9, 1995

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 31, 390, 930, 934, 1118, 1412, 1454, 1455, 1731, 1747, 1872 and 1881; also, House Joint Resolution(s) No(s). 62, 198, 255, 256, 257, 258, 259, 260, 261 and 263.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 9, 1995

The Speaker signed the following: House Bill(s) No(s). 31, 390, 930, 934, 1118, 1412, 1454, 1455, 1731, 1747, 1872 and 1881; House Joint Resolution(s) No(s). 62, 198, 255, 256, 257, 258, 259, 260, 261 and 263.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 9, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 20, 114 and 143, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 9, 1995

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 173, 185, 206, 227, 228, 230, 232, 233, 236, 239, 245, 246, 249, 250, 253, 254 and 262, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 10, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 95, 1153, 1623 and 1719; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 62, 198, 255, 256, 257, 258, 259, 260, 261 and 263; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 31, 390, 930, 934, 1118, 1412, 1454, 1455, 1731, 1747, 1872 and 1881; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 10, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 31, 390, 930, 934, 1118, 1412, 1454, 1455, 1731, 1747, 1872 and 1881; also, House Joint Resolution(s) No(s). 62, 198, 255, 256, 257, 258, 259, 260, 261 and 263.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 10, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1, with his approval.

HARDY MAYS, Counsel to the Governor.

SIGNED

May 10, 1995

The Speaker signed the following: Senate Bill(s) No(s). 95, 1153, 1623 and 1719.

MESSAGE FROM THE SENATE

May 11, 1995

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1527, 1787 and 1790; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 80; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 90; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 11, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1749, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1179; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1487; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1510; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1649; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 851, 948, 1190 and 1403; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 11, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 1860, 1879 and 1880, without his signature.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 651. The Senate refused to recede from its action in adopting Senate Amendment No. 5.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 11, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 655; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 640, 891, 918, 925, 1030, 1432, 1441, 1511, 1621, 1635, 1680 and 1832; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 640** -- Courts -- Establishes mechanism for funding civil legal representation for indigents. Amends TCA Title 16, Chapter 3; 16-3-803; 67-4-602. by *Person, *Henry, *Cohen, *McNally.

Senate Bill No. 891 -- Telecommunications -- Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by *Rochelle, *Henry, *Atchley, *Rice, *Hamilton.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

***Senate Bill No. 918** -- Regional Authorities -- Requires annual, rather than quarterly, board meetings; allows creation of executive committee; allows contracting for operational services including professional planning, engineering, management, operations and support services. Amends TCA Title 64, Chapter 8, Part 1. by *Womack.

***Senate Bill No. 925** -- Insurance Companies, Agents, Brokers -- Requires 12 hours of continuing education for resident and nonresident insurance agents annually; provides for regulation of conduct of prelicensing and continuing education providers. Amends TCA 56-6-160. by *Womack.

***Senate Bill No. 1030** -- Child Abuse -- Adds youth service organizations to those groups that may subject employees or volunteers to background checks; adds youth protection training option. Amends TCA 37-1-414, 38-6-114. by *Springer, *Crowe.

***Senate Bill No. 1432** -- Libraries -- Clarifies law to allow library boards to charge reasonable fees for late-returned materials, photocopying and lending equipment. Amends TCA 10-3-108. by *Gilbert, *McNally, *Atchley.

***Senate Bill No. 1441** -- Environmental Preservation -- Revises certain provisions of voluntary cleanup oversight and assistance program. Amends TCA Section 68-212-205 and Section 68-212-224. by *Ford J, *Dixon.

***Senate Bill No. 1511** -- Codes -- Allows late payment of recertification fee by building inspectors for 90 rather than 60 days. Amends TCA Title 68, Chapter 120, Part 1. by *Rochelle.

***Senate Bill No. 1621** -- Business and Commerce -- Enacts "Tennessee Industrial Finance Corporation Act." by *Wilder, *Atchley, *Crutchfield, *Rochelle, *Koella, *Person, *Henry, *Haynes, *Ford J, *Cohen, *O'Brien.

***Senate Bill No. 1635** -- Medical Occupations -- Licenses orthopedic physician assistants. Amends TCA Title 63. by *Koella, *Rochelle.

Senate Bill No. 1680 -- Highways, Roads and Bridges -- Requires department of transportation to plant 200, instead of 24, acres of wildflowers along highway system and interchanges in state's four regions; requires department to plant wildflowers on state roads and interstate highways extending five miles beyond corporate limits of each municipality with population of 50,000 or more. Amends TCA Title 54, Chapter 5, Part 12. by *Cohen.

Senate Bill No. 1832 -- Utilities, Utility Districts -- Authorizes referendum of customers to approve increasing per diem for board of Huntsville Utility District, Scott County to \$250 from \$100 to be paid for not more than 12 meetings a year. Amends TCA 7-82-308. by *O'Brien.

MESSAGE FROM THE SENATE
May 12, 1995

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 60 and 182; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 60 --** General Assembly, Directed Studies -- Directs state board of education to develop recommendations and criteria for alternative educational placement options and report same by February 1, 1996. by *Leatherwood.

***Senate Joint Resolution No. 182 --** General Assembly, Studies - Directs select oversight committee on education to study governing structure of public school system, including elementary, secondary and higher education. by *Womack.

MESSAGE FROM THE GOVERNOR

May 15, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 17, 39, 321, 359, 656, 951, 953, 961, 1125, 1264, 1303, 1439, 1465, 1544, 1685, 1874, 1877, 1882, 1885 and 1886, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 15, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1528, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 15, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 886, with his approval.

HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS

May 15, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 851, 948, 1190, 1403, 1527, 1787 and 1790; House Joint Resolution(s) No(s). 80.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 15, 1995

The Speaker signed the following: House Bill(s) No(s). 851, 948, 1190, 1403, 1527, 1787 and 1790; House Joint Resolution(s) No(s). 80.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 132, 203, 204, 205, 206, 208, 209, 211 and 212; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 132 -- General Assembly, Statement of Intent or Position - 125th Anniversary of 15th Amendment to U.S. Constitution. by *Dixon, Cohen.

Senate Joint Resolution No. 203 -- Memorials, Interns - Almond Gatewood. by *Harper.

Senate Joint Resolution No. 204 -- Memorials, Interns - Forestine Nicole Gray. by *Harper.

Senate Joint Resolution No. 205 -- Memorials, Recognition and Thanks - Mandy Barnett. by *O'Brien.

Senate Joint Resolution No. 206 -- Memorials, Personal Occasion - Lena and Orval E. Harrison, 50th Wedding Anniversary. by *Rochelle.

Senate Joint Resolution No. 208 -- Memorials, Death - Jimmy Burchett. by *Burks.

Senate Joint Resolution No. 209 -- Memorials, Death - Kenneth Fieldon Hudgens. by *Jordan, *Haynes, *Harper, *Henry, *Rochelle.

Senate Joint Resolution No. 211 -- Memorials, Interns - Jon Ros Grayson. by *Crowe.

Senate Joint Resolution No. 212 -- Memorials, Death - Geraldine Joyce "Peggy" Hardin. by *Crowe.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 89 -- General Assembly, Review Or Ratification of Rules -- Approves changes in Basic Education Program proposed by State Board of Education. by *Davidson.

Education Committee

House Joint Resolution No. 277 -- General Assembly, Studies -- Creates special joint committee to study Tennessee's present laws and policies relative to acute pain management. by *Armstrong.

Health and Human Resources Committee

House Joint Resolution No. 281 -- General Assembly, Studies -- Requests joint education oversight committee to study distribution of local education funds on ADM basis. by *Davidson.

Education Committee

House Joint Resolution No. 307 -- Naming and Designating -- "Volunteer 200 Day," June 1, 1995. by *Fowlkes, *Davidson, *Williams (Union), *McDonald, *Stamps, *Coffey, *Lewis, *Hassell, *Callicott, *Williams (Williamson), *Head, *Hargrove, *Windle, *Arriola, *Rinks, *Odom, *Kernell, *McKee.

Calendar and Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 17, 1995:

House Resolution No. 75 -- Memorials, Interns -- Christopher Brian McDonald. by *Rhinehart.

House Resolution No. 76 -- Memorials, Personal Occasion -- Kathryn DeVore, birth. by *Kent.

House Resolution No. 77 -- Memorials, Death -- Whitt E. Munsey. by *Williams (Union).

House Resolution No. 78 -- Memorials, Death -- Rebecca Faye Roach Gray. by *Williams (Union).

House Resolution No. 79 -- Memorials, Interns -- Erik Tryggestad. by Stamps.

House Resolution No. 80 -- Memorials, Interns -- Amy Dora McBroome. by *Kent, *Huskey, *Cole (Carter).

House Resolution No. 81 -- Memorials, Sports -- 1994-1995 Forrest High School girls' basketball team. by *Beavers.

House Resolution No. 82 -- Memorials, Public Service -- Homer Skelton, 1995 Toyota President's Award recipient. by *Kent.

House Resolution No. 83 -- Memorials, Recognition and Thanks-- New Monumental Baptist Church, Women's Day. by *Brown.

House Resolution No. 84 -- Memorials, Public Service--Colonel Richard Dawson, former Commissioner of Safety. by *Davis.

House Resolution No. 86 -- Memorials, Heroism -- Deputy Richard Caldwell. by *Davis.

House Resolution No. 87 -- Memorials, Interns -- Kathy Aslinger. by *Bragg, *Head, *Kisber.

House Resolution No. 88 -- Memorials, Interns -- Robert J. Broome. by *Bragg, *Kisber, *Head.

House Resolution No. 90 -- Memorials, Interns--Heather Payne. by *Chumney.

House Resolution No. 91 -- Memorials, Interns--Kaleda Nichole Groves. by *Bell.

House Resolution No. 92 -- Memorials, Interns--James Wagner.
by *Pinion, *White, *Fitzhugh, *Davis.

House Resolution No. 93 -- Memorials, Retirement--E. Ray
Terrell, Department of Transportation. by *Buck, *Pinion.

House Resolution No. 95 -- Memorials, Professional Achievement--
Judith K. Dotson, Distinguished Classroom Teacher Award. by *Brooks,
*Miller L, *Towns, *Bowers, *Jones U (Shelby), *DeBerry L, *Turner
(Shelby), *DeBerry J, *Jones R (Shelby), *Brown.

House Joint Resolution No. 270 -- Memorials, Interns -- Mark
Houston McLain. by *Stulce.

House Joint Resolution No. 272 -- Memorials, Congratulations --
Webb School, 125th Anniversary. by *Phillips.

House Joint Resolution No. 273 -- Memorials, Sports -- Soddy-
Daisy High School varsity cheerleaders. by *Stulce.

House Joint Resolution No. 274 -- Memorials, Personal Occasion
-- Sam and Inez McConnell, 50th Wedding Anniversary. by *Stulce.

House Joint Resolution No. 275 -- Memorials, Public Service --
Granville Hinton, former Representative. by *Rinks.

House Joint Resolution No. 276 -- Memorials, Interns -- Anna
Laura Galloway. by *Hargrove.

House Joint Resolution No. 282 -- Memorials, Interns--Gary
Massey, Jr. by *Phillips, *Turner (Hamilton), *Miller L.

House Joint Resolution No. 283 -- Memorials, Interns--Rebecca
Kaye Davis. by *Phillips, *Turner (Hamilton), *Miller L.

House Joint Resolution No. 284 -- Memorials, Recognition and
Thanks--Central High School. by *DeBerry J, *Bowers.

House Joint Resolution No. 285 -- Memorials, Personal
Achievement--Paul Anthony Vetter, Eagle Scout. by *Byrd.

House Joint Resolution No. 286 -- Memorials, Personal
Achievement--John David Vetter, Jr., Eagle Scout. by *Byrd.

House Joint Resolution No. 287 -- Memorials, Interns--Jennifer
L. Gurliaccio. by *Byrd, *Pruitt, *Arriola, *West.

House Joint Resolution No. 288 -- Memorials, Personal
Achievement--Hunter Ryan McDonald, Eagle Scout. by *Byrd.

House Joint Resolution No. 289 -- Memorials, Recognition and
Thanks--Lester Claude Weatherford. by *Head, *McMillan.

House Joint Resolution No. 292 -- Memorials, Academic
Achievement--Breck Cooley, first place winner, Department of
Education's Arbor Day poster contest. by *Ford S.

House Joint Resolution No. 293 -- Memorials, Academic Achievement--Samuel K. Taylor, Discover Car Silver Tribute Award. by *Ford S.

House Joint Resolution No. 294 -- Memorials, Public Service--Fellowship of Christian Athletes, "One Way 2 Play Drug Free" program. by *Naifeh, *Fitzhugh.

House Joint Resolution No. 295 -- Memorials, Recognition and Thanks--Life Lines Youth Ministry of Gallatin Church of Christ, "Tennessee Ambassadors of Goodwill". by *McDonald, *Stamps.

House Joint Resolution No. 296 -- Memorials, Interns--Robert Jeff Pope. by *Davidson, *Winningham, *Brown.

House Joint Resolution No. 297 -- Memorials, Retirement--Kenneth Wilber, Portland City Council. by *McDonald, *Stamps.

House Joint Resolution No. 298 -- Memorials, Interns--Jamar Nolan. by *Jones R (Shelby), *Jones U (Shelby), *Tindell.

House Joint Resolution No. 299 -- Memorials, Interns--Lori Swanigan. by *Jones R (Shelby), *Jones U (Shelby), *Tindell.

House Joint Resolution No. 300 -- Memorials, Interns--Jason R. Poyner. by *Jones R (Shelby), *Jones U (Shelby), *Tindell.

House Joint Resolution No. 302 -- Memorials, Interns--Mary D. Jackson. by *Turner (Shelby), *Armstrong, *DeBerry J, *Miller L, *Towns, *Bowers, *Jones U (Shelby), *Brown.

House Joint Resolution No. 303 -- Memorials, Interns--Torsha Arlett Brown. by *Turner (Shelby), *Armstrong, *Ritchie, *DeBerry J, *Miller L, *Towns, *Bowers, *Jones U (Shelby), *Brown.

House Joint Resolution No. 304 -- Memorials, Public Service--Thompson's Team Dream Foundation. by *Armstrong, *Tindell, *Ritchie, *Turner (Shelby), *DeBerry J, *Miller L, *Towns, *Bowers, *Jones U (Shelby), *Brown.

House Joint Resolution No. 305 -- Memorials, Interns--Sherres A. Bush. by *Armstrong, *Ritchie, *Turner (Shelby), *DeBerry J, *Miller L, *Towns, *Bowers, *Jones U (Shelby), *Brown.

House Joint Resolution No. 306 -- Memorials, Recognition and Thanks--Veterans at Bemis Pentecostal Church. by *McDaniel, *Kisber.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 17, 1995:

Senate Joint Resolution No. 200 -- Memorials, Academic Achievement -- Laura Beth Thomas, Friendship Christian School valedictorian. by *Rochelle.

Senate Joint Resolution No. 201 -- Memorials, Academic Achievement -- Karie Anne Stewart, 1995 Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 202 -- Memorials, Recognition and Thanks -- "USS Sumner County," 50th anniversary. by *Wright.

Senate Joint Resolution No. 230 -- Memorials, Recognition and Thanks--491st Bomb Group. by *Crowe.

Senate Joint Resolution No. 132 -- General Assembly, Statement of Intent or Position - 125th Anniversary of 15th Amendment to U.S. Constitution. by *Dixon, *Cohen.

Senate Joint Resolution No. 203 -- Memorials, Interns - Almond Gatewood. by *Harper.

Senate Joint Resolution No. 204 -- Memorials, Interns - Forestine Nicole Gray. by *Harper.

Senate Joint Resolution No. 205 -- Memorials, Recognition and Thanks - Mandy Barnett. by *O'Brien.

Senate Joint Resolution No. 206 -- Memorials, Personal Occasion - Lena and Orval E. Harrison, 50th Wedding Anniversary. by *Rochelle.

Senate Joint Resolution No. 208 -- Memorials, Death - Jimmy Burchett. by *Burks.

Senate Joint Resolution No. 209 -- Memorials, Death - Kenneth Fieldon Hudgens. by *Jordan, *Haynes, *Harper, *Henry, *Rochelle.

Senate Joint Resolution No. 211 -- Memorials, Interns - Jon Ros Grayson. by *Crowe.

Senate Joint Resolution No. 212 -- Memorials, Death - Geraldine Joyce "Peggy" Hardin. by *Crowe.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 60** -- General Assembly, Directed Studies -- Directs state board of education to develop recommendations and criteria for alternative educational placement options and report same by February 1, 1996. by *Leatherwood.

Education Committee

***Senate Joint Resolution No. 147** -- Madison County -- Subject to local approval, establishes position of highway engineer to be appointed by legislative body for four year term. by *Koella.

Commerce Committee

***Senate Joint Resolution No. 182** -- General Assembly, Studies - - Directs select oversight committee on education to study governing structure of public school system, including elementary, secondary and higher education. by *Womack.

Education Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1897 -- Rhea County -- Subject to local approval, authorizes exemption from hotel motel tax for 501(c)(3) tax exempt organizations organized for religious or charitable purposes if reservation is made by, through or in name of such organization and purpose is to conduct official affairs and not for recreational purposes. Amends Chapter 148 of the Private Acts of 1992. by *Duer.

House Bill No. 1898 -- Rogersville -- Subject to local approval, restructures water commission. Amends Chapter 519 of the Private Acts of 1911 as amended. by *Givens.

House Bill No. 1899 -- Tipton County -- Subject to local approval, repeals chapter relative to poor tax levy. Repeals Chapter 722, Private Acts of 1933, as amended. by *Naifeh.

House Bill No. 1900 -- Tipton County -- Subject to local approval, repeals chapter relative to general purpose tax levy. Repeals Chapter 437 of the Private Acts of 1915. by *Naifeh.

House Bill No. 1901 -- Tipton County -- Subject to local approval, repeals chapter relative to penal farm superintendent. Repeals Chapter 279, Private Acts of 1976. by *Naifeh.

House Bill No. 1902 -- Tipton County -- Subject to local approval, repeals chapter relative to penal farm labor. Repeals Chapter 278 of the Private Acts of 1976. by *Naifeh.

House Bill No. 1903 -- Tipton County -- Subject to local approval, repeals chapter relative to levying of hospital tax. Repeals Chapter 87, Private Acts of 1961, as amended. by *Naifeh.

House Bill No. 1904 -- Tipton County -- Subject to local approval, repeals chapter relative to hospital of Tipton County. by *Naifeh.

House Bill No. 1905 -- Tipton County -- Subject to local approval, repeals provisions relative to board of education. Repeals Chapter 248 of the Private Acts of 1939. by *Naifeh.

House Bill No. 1906 -- Tipton County -- Subject to local approval, repeals provisions relative to issuance of bonds. Repeals Chapter 51 of the Private Acts of 1959. by *Naifeh.

House Bill No. 1907 -- Tipton County -- Subject to local approval, repeals provisions relative to hospital board. Repeals Chapter 86, Private Acts of 1961, as amended. by *Naifeh.

House Bill No. 1908 -- Tipton County -- Subject to local approval, repeals provisions relative to ambulatory authority. Repeals Chapter 312 of the Private Acts of 1972. by *Naifeh.

House Bill No. 1909 -- Tipton County -- Subject to local approval, repeals provisions relative to office of county judge. Repeals Chapter 289, Acts of 1905, as amended. by *Naifeh.

House Bill No. 1910 -- Tipton County -- Subject to local approval, repeals provisions relative to county industrial agent. Repeals Chapter 554 of the Private Acts of 1919. by *Naifeh.

House Bill No. 1911 -- Tipton County -- Repeals provisions relative to Quarterly County Court and office building construction. Repeals Chapter 534, Private Acts of 1949, and all acts amendatory thereto. by *Naifeh.

House Bill No. 1912 -- Tipton County -- Subject to local approval, repeals provisions relative to justices of the peace and legislative body mileage. Repeals Chapter 980, Private Acts of 1921, as amended. by *Naifeh.

House Bill No. 1913 -- Altamont -- Subject to local approval, changes election date for mayor and board of aldermen. Amends Chapter 664 of the Private Acts of 1917, as amended. by *Rhinehart.

House Bill No. 1914 -- Utilities, Utility Districts -- Requires commissioners of Fall Creek Falls Water Utility District to be elected at annual meeting by customers of district for two year terms. by *Rhinehart.

House Bill No. 1916 -- Tipton County -- Subject to local approval, repeals provisions relative to superintendent of education. Repeals Chapter 42 of the Private Acts of 1977. by *Naifeh.

House Bill No. 1917 -- Tipton County -- Subject to local approval, amends provision relative to elected term of school board members. Amends Chapter 378 of the Private Acts of 1947, as amended. by *Naifeh.

House Bill No. 1918 -- Tipton County -- Subject to local approval, amends charter relative to purchasing committee. Amends Chapter 518 of the Private Acts of 1941, as amended. by *Naifeh.

House Bill No. 1919 -- Clay County -- Subject to local approval, authorizes provision of natural gas service to residents. by *Winningham.

House Bill No. 1920 -- Church Hill -- Subject to local approval, changes name of Town of Church Hill to City of Church Hill. Amends Chapter 414 of the Private Acts of 1968. by *Givens.

House Bill No. 1921 -- Courts, General Sessions--Allows Robertson County general sessions court judge to appoint own court officers. Amends TCA 88-201. by *Davidson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 193** -- Partnerships -- Provides for formation, registration and regulation of registered limited liability partnerships. Amends TCA Title 61, Chapter 1. by *Kyle, *Rochelle, *Fowler.

Senate Bill No. 331 -- Williamson County -- Subject to local approval, increases number of general sessions judges to two. Amends Chapter 424, Private Acts of 1939, as amended. by *Jordan.

***Senate Bill No. 429** -- Annexation -- Requires annexation notice used by city to contain map showing area to be annexed; map shall include street names, natural boundaries, and property lines, as appropriate. Amends TCA 6-51-101. by *Rochelle.

Senate Bill No. 488 -- Sunset Laws -- Board for licensing health care facilities, June 30, 2002 Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by *Haynes.

***Senate Bill No. 556** -- Agriculture -- Enacts "Tennessee Apiary Act of 1995." Amends TCA Title 44, Chapter 15, Part 1. by *Koella.

***Senate Bill No. 575** -- Corporations -- Revises Limited Liability Company Act; permits actual existence of LLC to begin on future date not more than 120, rather than 90 days, after initial filing. Amends TCA Title 48, Chapters 201 -- 248. by *Kyle, *Gilbert.

***Senate Bill No. 640** -- Courts -- Establishes mechanism for funding civil legal representation for indigents. Amends TCA Title 16, Chapter 3; 16-3-803; 67-4-602. by *Person, *Henry, *Cohen, *McNally.

***Senate Bill No. 726** -- Education -- Directs state board of education to develop guidelines and criteria whereby local school systems may adopt and enforce uniform clothing for students. Amends TCA Title 49, Chapter 1, Part 3. by *Harper.

Senate Bill No. 756 -- Municipal Government -- Permits municipal school board to be appointed or elected at large as provided by charter rather than present requirement of election from districts. Amends TCA 49-2-201. by *Elsea.

***Senate Bill No. 768** -- Contractors -- Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by *Haynes.

***Senate Bill No. 816** -- Health, Dept. of -- Removes swimming pools owned and operated by condominiums and homeowner associations from requirements imposed upon public swimming pools. Amends TCA Title 68, Chapter 14, Part 3. by *Henry, *Atchley, *Gilbert, *McNally, *Koella, *Ford J.

***Senate Bill No. 873** -- Agriculture -- Deletes requirement that board of agricultural museum submit annual report to governor. Amends TCA Title 43. by *McNally, *Wilder.

Senate Bill No. 891 -- Telecommunications -- Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by *Rochelle, *Henry, *Atchley, *Rice, *Hamilton.

***Senate Bill No. 918** -- Regional Authorities -- Requires annual, rather than quarterly, board meetings; allows creation of executive committee; allows contracting for operational services including professional planning, engineering, management, operations and support services. Amends TCA Title 64, Chapter 8, Part 1. by *Womack.

***Senate Bill No. 925** -- Insurance Companies, Agents, Brokers -- Requires 12 hours of continuing education for resident and nonresident insurance agents annually; provides for regulation of conduct of prelicensing and continuing education providers. Amends TCA 56-6-160. by *Womack.

***Senate Bill No. 1030** -- Child Abuse -- Adds youth service organizations to those groups that may subject employees or volunteers to background checks; adds youth protection training option. Amends TCA 37-1-414, 38-6-114. by *Springer, *Crowe.

***Senate Bill No. 1230** -- Aircraft and Airports -- Makes certain mandatory qualifications for membership of metropolitan airport authority board permissive, and in Shelby County only, county executive to appoint two board members, subject to approval of county commission. Amends TCA Section 42-4-105. by *Ford J.

***Senate Bill No. 1432** -- Libraries -- Clarifies law to allow library boards to charge reasonable fees for late-returned materials, photocopying and lending equipment. Amends TCA 10-3-108. by *Gilbert, *McNally, *Atchley.

***Senate Bill No. 1441** -- Environmental Preservation -- Revises certain provisions of voluntary cleanup oversight and assistance program. Amends TCA Section 68-212-205 and Section 68-212-224. by *Ford J, *Dixon.

***Senate Bill No. 1511** -- Codes -- Allows late payment of recertification fee by building inspectors for 90 rather than 60 days. Amends TCA Title 68, Chapter 120, Part 1. by *Rochelle.

***Senate Bill No. 1621** -- Business and Commerce -- Enacts "Tennessee Industrial Finance Corporation Act." by *Wilder, *Atchley, *Crutchfield, *Rochelle, *Koella, *Person, *Henry, *Haynes, *Ford J, *Cohen, *O'Brien.

***Senate Bill No. 1635** -- Medical Occupations -- Licenses orthopedic physician assistants. Amends TCA Title 63. by *Koella, *Rochelle.

Senate Bill No. 1680 -- Highways, Roads and Bridges -- Requires department of transportation to plant 200, instead of 24, acres of wildflowers along highway system and interchanges in state's four regions; requires department to plant wildflowers on state roads and interstate highways extending five miles beyond corporate limits of

each municipality with population of 50,000 or more. Amends TCA Title 54, Chapter 5, Part 12. by *Cohen.

Senate Bill No. 1724 -- Fees -- Increases fee for sheriff or constable in Coffee County for attending grand jury or waiting in court from \$45.00 to \$60.00. Amends TCA Title 8, Chapter 21. by *Burks.

***Senate Bill No. 1745** -- Capital Punishment -- Requires trial and appellate courts to give first priority in docketing to cases where state has given notice of intent to seek death penalty or defendant has been sentenced to death. Amends TCA Title 39, Chapter 13, Part 2. by *Person, *Atchley, *Koella, *McNally, *Leatherwood, *Rice, *Carter, *Holcomb, *Miller J, *Elsea, *Haun, *Fowler, *Hamilton.

***Senate Bill No. 1761** -- Criminal Procedure -- Equalizes number of peremptory jury challenges defendant and prosecution are allowed in criminal cases so that in capital cases each side gets ten; in felony cases each side gets six; and in misdemeanor cases each side gets three. Amends TCA Title 40, Chapter 18. by *Miller J, *Koella, *Atchley, *Person, *Elsea, *Leatherwood, *Gilbert, *Carter, *Holcomb, *Haun, *Jordan, *Fowler, *Hamilton.

Senate Bill No. 1803 -- Sentencing -- Makes aggravated assault on employee of department of youth development or department of correction enhancement factor in terms of sentencing for aggravated assault. Amends TCA 39-13-102(d). by *Person, *Atchley, *Rice, *Elsea, *McNally, *Carter, *Jordan, *Haun.

Senate Bill No. 1830 -- Perry County -- Subject to local approval, designates circuit court clerk as clerk of general sessions court when general sessions court exercises juvenile jurisdiction; relieves county clerk of duties. by *Springer.

Senate Bill No. 1832 -- Utilities, Utility Districts -- Authorizes referendum of customers to approve increasing per diem for board of Huntsville Utility District, Scott County to \$250 from \$100 to be paid for not more than 12 meetings a year. Amends TCA 7-82-308. by *O'Brien.

Senate Bill No. 1843 -- Harriman -- Subject to local approval, authorizes hotel/motel tax. by *O'Brien.

Senate Bill No. 1863 -- Sullivan County -- Subject to local approval, creates consolidated government charter commission. by *Holcomb.

Senate Bill No. 1868 -- Townsend -- Subject to local voter approval, establishes new charter, city council, and municipal boundaries. Amends Chapter 463, Private Acts of 1941, as amended. by *Koella.

Senate Bill No. 1875 -- Gibson County -- Revises length of terms of members of board of trustees of Gibson County School District. Amends Chapter 62, Private Acts of 1981, as amended. by *Carter.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

Senate Bill No. 1877 -- Maury County -- Subject to local approval, increases membership of civil service board from three to five. Amends Chapter 475, Private Acts of 1967. by *Jordan.

Senate Bill No. 1878 -- Hamilton County -- Subject to local approval, permits county employees pension system to invest in mutual funds and bank common trust funds. Amends Chapter 557, Private Acts of 1939, as amended. by *Fowler, *Crutchfield.

Senate Bill No. 1879 -- Bolivar -- Subject to local approval, amends city charter. Amends Chapter 142 of the Private Acts of 1953, as amended. by *Wildner.

Senate Bill No. 1880 -- Rhea County -- Subject to local approval, authorizes establishment of civil service system for sheriff's department. by *Elsea.

Senate Bill No. 1881 -- Montgomery County -- Subject to local approval, establishes third division of general sessions and juvenile courts. Amends Chapter 232 of the Private Acts of 1953, as amended. by *Rice.

Senate Bill No. 1882 -- Bradley County -- Subject to local approval, creates Bradley County Sheriff's Department Employment Protection Plan. by *Miller J.

Senate Bill No. 1884 -- Sullivan County -- Subject to local approval, creates consolidated government charter commission. by *Holcomb.

Senate Bill No. 1885 -- Rhea County -- Subject to local approval, authorizes exemption from hotel motel tax for 501(c)(3) tax exempt organizations organized for religious or charitable purposes if reservation is made by, through or in name of such organization and purpose is to conduct official affairs and not for recreational purposes. Amends Chapter 148 of the Private Acts of 1992. by *Elsea.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1896 -- Bradley County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 2, 1995** reported the following:

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 151; also House Bill(s) No(s). 884 and 1329 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 575; also House Bill(s) No(s). 1213 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 447, 444, 443, 432, 470 and 445. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 619, 1777, 1842, 308, 1760, 1697, 1551, 1675 and 893 and House Joint Resolution(s) No(s). 41 and Senate Joint Resolution(s) No(s). 15; also House Bill(s) No(s). 1767, 1268, 610, 232, 259, 229, 1548, 1770, 691, 1766, 848, 1776 and 1748 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 98, 1768, 1763 and 1692; also House Bill(s) No(s). 128 and 1764 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 3, 1995** reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1331; also House Bill(s) No(s). 256 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1327 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 551, 1248, 985, 901, 962, 1729, 1642, 1064, 832, 923 and 406; also House Bill(s) No(s). 846 and 1627 and House Joint Resolution(s) No(s). 90 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

A motion to reconsider the Committee's action in deferring House Bill No. 919 prevailed.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 880, 1779 and 1293 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1762, 959 and

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

126 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 777 and House Joint Resolution(s) No(s). 248, 210 and 252; also House Bill(s) No(s). 857 and 646 and House Resolution(s) No(s). 68 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 662 and 1657 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 9, 1995** reported the following:

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1837; also House Bill(s) No(s). 186, 1367 and 890 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1661; also House Bill(s) No(s). 1182, 905 and 1352 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 10, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 17, 1995**: House Bill(s) No(s). 1690, 965, 520, 691, 1773, 985, 389, 134, 125, 1815, 256, 1548, 232, 259, 229, 1329, 546, 1770, 1642, 857, 610, 1478, 923, 61, 848, 26 and 832.

The Committee set the following bills on the **Regular Calendar** for **May 18, 1995**: House Bill(s) No(s). 222, 339, 716, 1623, 626, 406, 1729, 1064 and 646; also House Joint Resolution(s) No(s). 90.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 15, 1995**: House Bill(s) No(s). 962, 1772, 1593, 1331, 1363, 958, 619, 840, 1697, 1842, 777, 308, 418, 427, 434, 446, 449, 151, 1492, 1634 and 1675; also House Joint Resolution(s) No(s). 172, 61 and 223 and House Resolution(s) No(s). 7, 15 21.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1388, 560, 1810, 1657 and 662; also House Bill(s)

No(s). 199, 322, 922, 1783, 1327 and 1213 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

***House Bill No. 1784** -- Planning, Public - Abolishes state planning office; transfers statutory responsibilities of office and director to executive department or other state agencies. Amends or repeals TCA Titles 4, 9, 13, 64, 68. by *Bittle, *Kerr, *Clabough, *Bird, *Haley, *Williams(Union), *Westmoreland, *Boyer, *Patton, *Kent, *Newton, *Duer, *Hicks, *Cantrell, *Beavers, *Sharp, *Ford S, *Roach, *Wood(SB1773 by *Rice, *Atchley).

***House Bill No. 696** -- Public Service Commission - Requires public service commission to file annual report indicating account balances of all funds, accounts and reserves of commission with finance, ways and means committees. Amends TCA Title 65. by *Bragg(SB1163 by *Henry).

***House Bill No. 1809** -- Public Contracts -- Changes bidding procedures to be followed by general contractors submitting bids to department of general services so that information is to be furnished within bid or bid document and need not appear on the envelope. Amends TCA 62-6-119. by *Davis, *Patton, *Clabough, *Ford S, *Kerr, *Newton, *Bird, *Duer, *Wood, *Sharp, *Cantrell, *Coffey, *Williams(Union), *Roach, *Beavers, *Peach, *Kent, *Haley (SB1798 by *Elsea, *Haun, *McNally, *Atchley, *Rice, *Carter and *Person).

House Bill No. 419 -- Sunset Laws - Tennessee student assistance corporation, board of directors, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 49, Chapter 4. by *Kernell, *Garrett, *Brooks(*SB503 by *Haynes).

On motion, House Bill No. 419 was made to conform with **Senate Bill No. 503**; the Senate Bill was substituted for the House Bill.

House Bill No. 426 -- Sunset Laws - James K. Polk Memorial Association, June 30, 1996. Amends TCA Title 4, Chapters 13, 29. by *Kernell, *Garrett, *Brooks(*SB499 by *Haynes).

On motion, House Bill No. 426 was made to conform with **Senate Bill No. 499**; the Senate Bill was substituted for the House Bill.

***House Bill No. 433** -- Sunset Laws - Compact on probation and parole, June 30, 2003. Amends TCA Title 4, Chapter 29, Title 40, Chapter 28. by *Kernell, *Garrett, *Brooks(SB506 by *Haynes).

On motion, House Bill No. 433 was made to conform with **Senate Bill No. 506**; the Senate Bill was substituted for the House Bill.

House Bill No. 438 -- Sunset Laws - Regional transportation authority, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 64, Chapter 8. by *Kernell, *Garrett, *Brooks(*SB509 by *Haynes).

On motion, House Bill No. 438 was made to conform with **Senate Bill No. 509**; the Senate Bill was substituted for the House Bill.

House Bill No. 442 -- Sunset Laws - State textbook commission, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 49, Chapter 6. by *Kernell, *Garrett, *Brooks (*SB491 by *Haynes).

On motion, House Bill No. 442 was made to conform with **Senate Bill No. 491**; the Senate Bill was substituted for the House Bill.

House Bill No. 1309 -- Bail, Bail Bonds - Allows member of county legislative body to be bail bondsman. Amends TCA Section 40-11-313. by Ford, *Stamps, *Sharp.(*SB1573 by *Haun).

House Bill No. 1090 -- Sexual Offenses - Redefines "prostitution" to include offering to engage in sexual activity as well as actually engaging in sexual activity. Amends TCA Title 39, Chapter 13, Part 5. by *Windle(*SB1212 by *Harper).

On motion, House Bill No. 1090 was made to conform with **Senate Bill No. 1212**; the Senate Bill was substituted for the House Bill.

House Bill No. 1795 -- Managed Care Organizations - Requires HMOs to pay taxes on gross amount of dollars collected from enrollee quarterly rather than annually subsequent to the March 1, 1995, payment. Amends TCA 56-32-224(b). by *Bittle, *Kerr, *Cantrell, *Westmoreland, *Boyer, *Duer, *Coffey, *Davis, *Venable, *Williams(Union), *Patton, *Kent, *Cole(Carter), *Newton, *Roach, *Bird, *Beavers, *Peach, *Wood, *Haley, *Ford, *Clabough(SB1783 by *Haun, *McNally, *Atchley,*Elsea, *Hamilton).

On motion, House Bill No. 1795 was made to conform with **Senate Bill No. 1783**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 234 -- Naming and Designating - "Destroyer Escort Day," third Saturday of each June. by *Givens, *Patton.

House Bill No. 1765 -- Criminal Procedure - Changes felony murder aggravating circumstance used to determine whether death penalty should be imposed to require that murder knowingly committed, solicited, directed or aided by defendant, rather than that murder was committed by defendant while committing underlying felony; allows felony murder aggravating circumstance to be used if defendant played "substantial role" in committing underlying felony. Amends TCA 39-13-204. by *Bittle, *Stamps, *McDaniel, *Kisber, *Williams(Union), *Roach, *Kent, *Ramsey, *Kerr, *Davis, *Westmoreland, *Coffey, *Callicott, *Clabough, *Newton, *Venable, *Duer, *Peach, *Beavers, *Cantrell, *Sharp, *Ford, *Shirley, *Wood, *Patton, *Bird, *Haley, *Buck, *Dunn(*SB1750 by *Gilbert).

House Joint Resolution No. 204 -- Memorials, Government Officials - Urges governor to appoint Tennessee Council on Long-Term Care. by *Chumney.

House Bill No. 420 -- Sunset Laws - Gibson County water projects authority, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 64, Chapter 1. by *Kernell, *Garrett, *Brooks(*SB502 by *Haynes)

On motion, House Bill No. 420 was made to conform with **Senate Bill No. 502**; the Senate Bill was substituted for the House Bill.

House Bill No. 415 -- Sunset Laws - Office of business enterprise, June 30, 2003. Amends TCA Title 4, Chapters 26, 29. by *Kernell, *Garrett, *Brooks(*SB174 by *Haynes).

On motion, House Bill No. 415 was made to conform with **Senate Bill No. 174**; the Senate Bill was substituted for the House Bill.

House Bill No. 413 -- Sunset Laws - Carroll County watershed authority, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 64, Chapter 1. by *Kernell, *Garrett, *Brooks(*SB176 by *Haynes).

On motion, House Bill No. 413 was made to conform with **Senate Bill No. 176**; the Senate Bill was substituted for the House Bill.

***House Bill No. 448** -- Sunset Laws - Department of veterans' affairs, June 30, 2003. Amends TCA Title 4, Chapters 3, 4. by *Kernell, *Garrett, *Brooks(SB813 by *Haynes).

On motion, House Bill No. 448 was made to conform with **Senate Bill No. 813**; the Senate Bill was substituted for the House Bill.

House Bill No. 458 -- Sunset Laws - Cemetery advisory board, June 30, 2003. Amends TCA Title 4, Chapter 9; Title 46, Chapter 1. by *Kernell, *Garrett, *Brooks(*SB179 by *Haynes).

On motion, House Bill No. 458 was made to conform with **Senate Bill No. 179**; the Senate Bill was substituted for the House Bill.

House Bill No. 459 -- Sunset Laws - Commission for uniform legislation, June 30, 2003. Amends TCA Title 4, Chapters 9, 29. by *Kernell, *Garrett, *Brooks(*SB182 by *Haynes).

On motion, House Bill No. 459 was made to conform with **Senate Bill No. 182**; the Senate Bill was substituted for the House Bill.

House Bill No. 466 -- Sunset Laws - Department of revenue, June 30, 2003. Amends TCA Title 4, Chapters 3, 29. by *Kernell, *Garrett, *Brooks(*SB186 by *Haynes).

On motion, House Bill No. 466 was made to conform with **Senate Bill No. 186**; the Senate Bill was substituted for the House Bill.

House Bill No. 469 -- Sunset Laws - Tennessee public television council, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 49, Chapter 50. by *Kernell, *Garrett, *Brooks(*SB185 by *Haynes).

On motion, House Bill No. 469 was made to conform with **Senate Bill No. 185**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 220 -- Naming and Designating - "Arbor Day," "Earth Day," April 22, 1995. by *Ramsey, *Venable.

House Bill No. 1851 -- Dekalb County - Subject to local approval, authorizes hotel/motel tax. by *Buck (SB1842 by *Burks).

House Bill No. 1887 -- Montgomery County - Subject to local approval, establishes third division of general sessions and juvenile courts. Amends Chapter 232 of the Private Acts of 1953, as amended. by *Head(SB1881 by *Rice).

On motion, House Bill No. 1887 was made to conform with **Senate Bill No. 1881**; the Senate Bill was substituted for the House Bill.

House Bill No. 1889 -- Bolivar - Subject to local approval, amends city charter. Amends Chapter 142 of the Private Acts of 1953, as amended. by *Walley (SB1879 by *Wilder).

House Bill No. 1890 -- Rhea County - Subject to local approval, authorizes establishment of civil service system for sheriff's department. by *Duer(SB1880 by *Elsea).

On motion, House Bill No. 1890 was made to conform with **Senate Bill No. 1880**; the Senate Bill was substituted for the House Bill.

House Bill No. 1891 -- Gibson County - Revises length of terms of members of board of trustees of Gibson County School District. Amends Chapter 62, Private Acts of 1981, as amended. by *Phelan(SB1875 by *Carter).

On motion, House Bill No. 1891 was made to conform with **Senate Bill No. 1875**; the Senate Bill was substituted for the House Bill.

House Bill No. 1892 -- Maury County - Subject to local approval, authorizes \$25.00 wheel tax. by *Napier(SB1910 by *Jordan).

House Bill No. 1893 -- Maury County - Subject to local approval, increases membership of civil service board from three to five. Amends Chapter 475, Private Acts of 1967. by *Napier, *White(SB1877 by *Jordan).

On motion, House Bill No. 1893 was made to conform with **Senate Bill No. 1877**; the Senate Bill was substituted for the House Bill.

House Resolution No. 74 -- Memorials, Recognition and Thanks - Memphis/Shelby County Children's and Young Adults' Community Crime Prevention Organization. by *Brooks, *Miller, *Towns, *Bower, Jones U (Shelby), *Turner(Shelby), *Byrd, *DeBerry L, *Pruitt, *Jones R (Shelby), DeBerry J.

House Joint Resolution No. 264 -- Memorials, Public Service - Fred R. Ingram, Anderson County Election Commission. by *Coffey.

House Joint Resolution No. 265 -- Memorials, Interns - Jeff Bailey. by *Boyer, *Bittle.

House Joint Resolution No. 266 -- Memorials, Recognition and Thanks - Evelyn C. Robertson, Jr., Former Commissioner of Mental Health and Mental Retardation. by *Walley, DeBerry L.

House Joint Resolution No. 267 -- Memorials, Professional Achievement - Dr. Charles Barnett, Distinguished Service Award. by *Armstrong, *Tindell, *Burchett, *Ritchie, *Dunn, *Boyer, *Bittle.

House Joint Resolution No. 269 -- Memorials, Recognition and Thanks - Carol Crawley and Mid-South Minority Purchasing Council. by *DeBerry J.

Senate Joint Resolution No. 176 -- Memorials, Sports - Coach Charlie Bayless. by *Crowe.

Senate Joint Resolution No. 177 -- Memorials, Sports - William "Hercules" Boyd, First Annual Mule Day Chariot Race winner. by *Jordan.

Senate Joint Resolution No. 179 -- Memorials, Public Service - Ron Willis. by *Kyle.

Senate Joint Resolution No. 180 -- Memorials, Retirement - Weldon Payne. by *Burks.

Senate Joint Resolution No. 181 -- Memorials, Recognition and Thanks - Dr. Howell Todd. by *Henry.

Senate Joint Resolution No. 185 -- Memorials, Public Service - Barbara Haynes, Chair, Tennessee Sentencing Commission. by *Kyle, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford, *Fowler, *Gilbert, *Hamilton, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Leatherwood, *McNally, *Miller, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 187 -- Memorials, Academic Achievement - Sheila Alexander Cook, Mt. Juliet Christian Academy 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 188 -- Memorials, Academic Achievement - Susan L. Bailey, 1995 valedictorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 189 -- Memorials, Academic Achievement - Christopher Shaun Harrison, 1995 salutatorian of Watertown High School. by *Rochelle.

Senate Joint Resolution No. 190 -- Memorials, Sports - 1994-1995 Tuckers Crossroads School girls' basketball team. by *Rochelle.

Senate Joint Resolution No. 191 -- Memorials, Sports - 1994-1995 Southside School girls' basketball team. by *Rochelle.

Senate Joint Resolution No. 192 -- Memorials, Sports - 1994-1995 Southside School boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 196 -- Memorials, Sports - 1994-1995 Meigs County High School girls' basketball team, TSSAA Class AA state champions. by *Elsea.

Senate Joint Resolution No. 198 -- Memorials, Public Service - Yvonne Magdaline Brown. by *Harper.

Senate Joint Resolution No. 199 -- Memorials, Sports - 1994-1995 Tennessee State University men's basketball team. by *Harper, *Rochelle, *Henry.

House Bill No. 962 -- Judicial Districts -- Authorizes qualified voters of 20th judicial district to elect additional circuit court judge in August 1998. Amends TCA Title 16, Chapter 2, Part 5. Repeals Chapter 124, Private Acts of 1963, as amended. by *Purcell,

*Garrett, *Robinson, *Arriola, *Langster, *Odom, *Halteman Harwell, *Pruitt, *Jones, S., *West (*SB157 by *Haynes, *Harper).

House Bill No. 1772 -- Juvenile Offenders - Permits juvenile less than 16 who was attempting to commit offenses of first and second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping to be transferred from juvenile court for trial as adult as well as juveniles actually committing such offenses. Amends TCA 37-1-134. by *Bittle, *Kent, *Cole(Carter), *Kisher, *Williams(Union), *Roach, *Bird, *Patton, *Ramsey, *McKee, *Beavers, *Davis, *Westmoreland, *Coffey, *Callicott, *Duer, *Clabough, *Newton, *Venable, *Stamps, *Peach, *Sharp, *Cantrell, *Haley, *Shirley, *Ford, *Wood, *Kerr, *Buck, *Dunn, *Pinion(*SB1757 by *Person, *Atchley, *Elsea, *Wright, *Leatherwood, *Rice, *McNally, *Miller, *Carter, *Holcomb, *Haun, *Fowler, *Hamilton).

House Bill No. 1593 -- Jails, Local Lock-ups - Enacts "Jail Security Act of 1995;" places duty on Tennessee corrections institute to establish minimum standards for security of local jails, lock-ups, workhouse and detention facilities to protect public from criminals by making facilities more secure and reduce chances of injury to public during escape attempt or while inmate is fleeing following escape. Amends TCA Title 41, Chapter 4; Title 41, Chapter 7 and Title 41, Chapter 8. by *Herron(SB1718 by *Cohen).

House Bill No. 1331 -- Tennessee Wildlife Resources Agency -- Authorizes TWRA to participate in federal wetlands mitigation banking program. Amends TCA 70-1-302. by *Odom (*SB1409 by *Gilbert).

House Bill No. 1363 -- Emergency Communications Districts - Authorizes Claiborne County Emergency Communications District to expend funds for road signs. Amends TCA Section 7-86-127. by Williams(Union) (*SB1495 by *Wallace).

House Bill No. 958 -- Motor Vehicles - Exempts trailers used in furtherance of business or any personal trailer not required to be registered by which the owner desires to register from vehicle registration fee imposed by TCA 55-4-111; requires registration of such vehicles and payment of \$50.00 registration tax for freight motor vehicles imposed by TCA 55-4-113. Amends TCA Title 55, Chapter 4. by *Stamps(*SB280 by *Springer).

On motion, House Bill No. 958 was made to conform with **Senate Bill No. 280**; the Senate Bill was substituted for the House Bill.

House Bill No. 619 -- Fees - Increases fee for sheriff or constable in Coffee County for attending grand jury or waiting in court from \$45.00 to \$60.00. Amends TCA Title 8, Chapter 21. by *Lewis(SB1724 by *Burks).

On motion, House Bill No. 619 was made to conform with **Senate Bill No. 1724**; the Senate Bill was substituted for the House Bill.

House Bill No. 1697 -- Alcoholic Beverage Commission - Authorizes retired alcoholic beverage commission agents to retain service weapons in recognition of such agents' years of public service. Amends TCA Section 38-6-105.by *Hargrove(*SB1296 by Burks).

On motion, House Bill No. 1697 was made to conform with **Senate Bill No. 1296**; the Senate Bill was substituted for the House Bill.

House Bill No. 1842 -- County Officers - Removes law enforcement power and authority from constables in Montgomery County. Amends TCA 8-10-101; 8-10-108; 55-8-152; 57-5-202; 57-9-101. by *Head(*SB1833 by *Rice).

House Bill No. 777 -- Railroads -- Creates Tennessee Railroad Passenger Commission to promote passenger rail service in Tennessee. Amends TCA Title 4. by *West(*SB1220 by *Harper, *Crowe).

***House Bill No. 308** -- Sexual Offenses - Enacts "Tennessee Standardized Treatment Program for Sex Offenders." Amends TCA Title 39. by *Ritchie(SB462 by *Kyle).

***House Bill No. 418** -- Sunset Laws - Department of agriculture, June 30, 1998; requires department to prepare report to review audit findings and progress in correcting issues addressed in audit dated 9/94, to be delivered in February 1995 and 1996 to speakers of both houses and to members GOC committees. Amends TCA Title 4, Chapters 3, 29. by *Kernell, *Garrett, *Brooks(SB489 by *Haynes).

On motion, House Bill No. 418 was made to conform with **Senate Bill No. 489**; the Senate Bill was substituted for the House Bill.

House Bill No. 427 -- Sunset Laws - Tennessee wars commission, June 30, 1996 . Amends TCA Title 4, Chapters 11, 29. by *Kernell, *Garrett, *Brooks(*SB498 by *Haynes).

On motion, House Bill No. 427 was made to conform with **Senate Bill No. 498**; the Senate Bill was substituted for the House Bill.

House Bill No. 434 -- Sunset Laws - Black health care commission, June 30, 1996 . Amends TCA Title 3, Chapter 15; Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks(*SB180 by *Haynes).

On motion, House Bill No. 434 was made to conform with **Senate Bill No. 180**; the Senate Bill was substituted for the House Bill.

***House Bill No. 446** -- Sunset Laws - Tennessee alliance for fitness and health, June 30, 1996. Amends TCA Title 4, Chapters 29, 40. by *Kernell, *Garrett, *Brooks(*SB811 by *Haynes).

On motion, House Bill No. 446 was made to conform with **Senate Bill No. 811**; the Senate Bill was substituted for the House Bill.

***House Bill No. 449** -- Sunset Laws - TennCare program cost savings suggestion award board, June 30, 1997. Amends TCA Title 4, Chapter 29; Title 71, Chapter 5(by *Kernell, *Garrett, *Brooks(SB777 by *Haynes).

On motion, House Bill No. 449 was made to conform with **Senate Bill No. 777**; the Senate Bill was substituted for the House Bill.

House Bill No. 151 -- Insurance, Health, Accident - Mandates coverage on and after 7/1/95 for phenylketonuria (PKU) treatment and formulas; treatment means licensed professional medical services under supervision of physician and special dietary formulas which are

medically necessary for therapeutic treatment. Amends TCA Title 56, Chapter 7, Part 25. by *Stulce(*SB165 by *Crutchfield).

***House Bill No. 1492** -- Firearms and Ammunition - Removes requirement that person redeeming pawned or pledged pistols or sidearms comply with 15 day waiting period; requires certification to seller that purchaser not prohibited purchaser (convicted felon, fugitive from justice, person of unsound mind, minor, person convicted of illegal sale of alcoholic beverages). Amends TCA Section 39-17-1316(h). by *Joyce(SB1648 by *Person).

House Bill No. 1634 -- Libraries - Establishes Northeast Tennessee Public Library - Legislative Information and Communication Network. Amends TCA Title 10. by *Venable, *Ramsey, *Cole(Carter), *Patton, *Whitson, *Hicks, *Westmoreland(*SB1655 by *Crowe)

House Bill No. 1675 -- Bail, Bail Bonds - Raises maximum amount of arrest or bail bond certificate acceptable as arrest or bail bond to guarantee court appearance from \$1,000 to \$5,000. Amends TCA Section 40-11-146. by *Williams(Williamson), *Westmoreland(*SB744 by *Kyle).

On motion, House Bill No. 1675 was made to conform with **Senate Bill No. 744**; the Senate Bill was substituted for the House Bill.

***House Resolution No. 7** -- General Assembly, Studies - Continues house committee for study of African American role in past and present development of economic policy and planning for inner city economic development. by *Brooks, *Towns, *Bowers, *Miller, *Jones R (Shelby), *Armstrong, DeBerry L, *Turner(Shelby).

***House Resolution No. 15** -- General Assembly, Studies - Creates special house committee to study public transportation needs of inner city residents. by *Brooks, *Turner(Shelby), *Towns, *Langster, *Armstrong, *Brown, *Jones R (Shelby), *Jones U (Shelby), *Miller, *Pruitt, *Bowers.

***House Joint Resolution No. 172** -- General Assembly, Studies - Creates special joint committee to study feasibility of establishing state incentive system to encourage law enforcement agencies to seek international accreditation. by *Odom.

***House Resolution No. 21** -- General Assembly, Studies - Creates special house study committee to study issues relating to tobacco crops and possible alternative crops. by *Bowers, *Bell, *Givens, *Phelan.

***House Joint Resolution No. 61** -- General Assembly, Studies - Continues Business Tax Study Committee. by *Kisber, *Turner(Hamilton), *Jones R (Shelby), *West, *Bragg, *Purcell.

***House Joint Resolution No. 223** -- General Assembly, Studies - Creates special joint committee to study Uniform Probate Code. by *Purcell, *Buck, *Williams(Williamson), *Jackson, *Fowlkes, *Cole(Dyer).

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 777: by Rep. West.
House Bill No. 962: by Rep. Bittle.
House Bill No. 1331: by Rep. Bittle.
House Bill No. 1809: by Rep. Davis.
House Bill No. 1851: by Rep. Bittle.
House Bill No. 1889: by Rep. Walley.
House Bill No. 1892: by Rep. Bittle.

Under the rules, House Bill(s) No(s): 777, 962, 1331, 1809, 1851, 1889 and 1892 was/were placed at the foot of the calendar for May 17, 1995.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

*House Bill No. 1829 -- Henderson - Subject to local approval, authorizes hotel/motel tax. by *Walley. (SB1817 by *Wilder).

Further consideration of House Bill No. 1829, previously considered on March 6, 1995, March 8, 1995, April 5, 1995, and April 19, 1995, and reset to today's Calendar.

Rep. Walley moved that House Bill No. 1829 be reset to the Calendar for Wednesday, May 17, 1995, immediately after House Bill(s) No(s). 1852 and 1892, which motion prevailed.

House Bill No. 1854 -- Harriman - Subject to local approval, authorizes hotel/motel tax. by *Cantrell (SB1843 by *O'Brien).

Further consideration of House Bill No. 1854, previously considered on April 3, 1995, April 5, 1995, and April 19, 1995, and reset to today's Calendar.

Rep. Cantrell moved the House Bill No. 1854 be reset to the Calendar for Wednesday, May 17, 1995, immediately after consideration of House Bill No. 1829, which motion prevailed.

***Senate Bill No. 38** -- Utilities, Utility Districts - Authorizes commissioners of South Blount County utility board by resolution to increase per diem for not more than 12 meetings to rate not exceeding \$250 per meeting for district having more than 3,000 users and \$100 per meeting for district having 3,000 or fewer users. Amends TCA Title 7, Chapter 82. by *Koella (HB285 by *Clabough).

Further consideration of Senate Bill No. 38, previously considered on March 13, 1995 and April 3, 1995, at which time the House Bill was substituted for the Senate Bill. Senate Bill No. 38 was further considered on April 5, 1995 and April 19, 1995, and reset to today's Calendar.

Rep. Clabough moved that Senate Bill No. 38 be reset to the Calendar for Wednesday, May 17, 1995, after consideration of House Bill No. 1854, which motion prevailed.

House Bill No. 503 -- Courts, Juvenile - Abolishes determinate sentencing of juveniles in juvenile courts; applies prospectively; affects only sentences imposed after effective date. Amends TCA 37-1-137. by *Buck (*SB14 by *Person).

Further consideration of House Bill No. 503, previously considered on April 17, 1995, and April 24, 1995, and reset to today's Calendar.

Rep. Buck moved that House Bill No. 503 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

House Bill No. 1434 -- County Government - Authorizes counties with charter form of government to issue citations in lieu of arrest for traffic and county ordinance violations; authorizes such counties to enter into agreement with district attorney general of county to prosecute ordinance violations in such county. Amends TCA Title 7, Chapter 63 and Title 8, Chapter 7. by *Boyer, *Dunn, *Burchett, *Bittle, *Tindell, *Ritchie, *Buck (SB1433 by *Gilbert, *McNally, *Atchley).

Further consideration of House Bill No. 1434, previously considered on April 24, 1994 and reset to today's Calendar.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

Rep. Boyer moved that House Bill No. 1434 be reset to the Calendar for Wednesday, May 24, 1995 which motion prevailed.

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 229 and 230; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 229 -- Naming and Designating--
"Dede Wallace Center Day," May 19, 1995. by *Haynes.

Senate Joint Resolution No. 230 -- Memorials, Recognition and
Thanks--491st Bomb Group. by *Crowe.

REGULAR CALENDAR, CONTINUED

House Bill No. 1558 -- Aged Persons - Increases advisory committee for department of human services family violence and child abuse prevention services program from eight to 11 members. Three new members shall be knowledgeable and experienced in elderly abuse prevention. Amends TCA Title 4; Title 39, Chapter 3; Title 40, Chapter 35; Title 68, Chapter 11 and Title 71, Chapter 6. by *Armstrong, *Tindell (*SB1674 by *Gilbert).

Rep. Armstrong moved that House Bill No. 1558 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1558 by deleting Sections 1 and 2 of the printed bill and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 71-6-102(9), is amended by deleting the subdivision in its entirety and by substituting instead the following:

"Imminent danger" means conditions calculated to and capable of producing within a relatively short period of time a reasonably strong probability of resultant irreparable physical or mental harm and/or the cessation of life if such conditions are not removed or alleviated. Provided, however, the department shall not be required to assume responsibility for a person in imminent danger pursuant to this chapter except when, in the department's determination, sufficient resources exist for the implementation of this part.

Section 2. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by deleting the language "imminent danger of death" every time it appears and by substituting instead the language "imminent danger".

Section 3. Tennessee Code Annotated, Section 71-6-107(a)(3), is amended by deleting the language "five (5)

days of entering an order pursuant to this section,"
and by substituting instead the language " seven (7) days
of entering an order pursuant to this section, or for good cause
shown, then up to fifteen (15) days," .

Section 4. Tennessee Code Annotated, Section 71-6-
107(a)(6), is amended by inserting the following language
between the first and second sentences of the
subdivision:

Provided, however, the court in its discretion
may extend such period for a period no longer than an
additional six (6) months.

Section 5. Tennessee Code Annotated, Section 71-6-
107(a)(4) is amended by adding the following
language at the end of the first sentence of the
subdivision:
, unless for good cause shown, a shorter time is
allowed by the court

Section 6. Tennessee Code Annotated, Title 71,
Chapter 6, Part 1, is amended by adding the following new
section:

Section _____. Willful physical abuse or gross
neglect of an impaired adult with resulting serious
mental or physical harm shall be punishable as an
aggravated assault.

Section 7. Tennessee Code Annotated, Section 71-6-
107(a)(1), is amended by designating the existing
subdivision as (a)(1)(A) and by adding the following as
a new subdivision (a)(1)(B):

(a)(1)(B) In situations where the department must
present a petition for emergency removal of an adult
in imminent danger and a chancellor or circuit judge
is unavailable, the department may present petitions
to judicial officers with general sessions jurisdiction. Further
proceedings shall be conducted in chancery or circuit court.

Section 8. Tennessee Code Annotated, Section 71-6-
104, is amended by designating the existing
language as subsection (a), and by adding the following
as a new subsection (b):

(b) The court may enjoin from providing care for
any person, on a temporary or permanent basis, any
employee or volunteer, who the court finds has engaged
in the abuse, neglect or exploitation of an adult as
defined in this part, in any situation involving the care of
such adult by such employee or volunteer, whether such
actions occurred in an institutional setting, in
any type of group home or foster care arrangement
serving adults, and regardless of whether such
person, facility or arrangement serving adults is licensed to
provide care for adults.

Section 9. Tennessee Code Annotated, Section 71-6-102, is amended by adding the following as a new subdivision (12):

(12) " Sexual abuse" occurs when an adult as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person other than the spouse of the adult into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an adult as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person other than the spouse of the adult.

Section 10. Tennessee Code Annotated, Section 71-6-107 (a) (1), is amended by adding the following at the end of the existing subdivision:

For the purposes of this section, sexual abuse as defined in this chapter, shall provide grounds for the department to obtain custody of an adult who lacks capacity to consent when such abuse relates to sexual activity or contact.

Section 11. Tennessee Code Annotated, Section 71-6-107(a) (1), is further amended by deleting the language " imminent death" in the first sentence of the subdivision and by substituting instead the language " imminent danger of irreparable physical or mental harm, or both, and/or the cessation of life" .

Section 12. Tennessee Code Annotated, Section 71-6-107(a) (5) (A), is amended by deleting the language " imminent death" every time it appears and by substituting instead the language " imminent danger of irreparable physical or mental harm, or both, and/or the cessation of life" .

Section 13. Tennessee Code Annotated, Section 71-6-107(a) (5) (A), is further amended by deleting the language " imminence or danger of death" and by substituting instead the language " imminent danger of irreparable physical or mental harm, or both, and/or the cessation of life" .

Section 14. Tennessee Code Annotated, Section 71-6-103(1), is amended by deleting the language " substantially decrease the adult's chances of survival" in the last sentence of the subsection and by inserting instead the language " substantially increase the adult's likelihood of irreparable physical or mental harm, or both, and/or the cessation of life" .

Section 15. Tennessee Code Annotated, Section 71-6-107(a) (2), is amended by inserting the language " or the general sessions court judge," between the language " chancellor" and the punctuation " , " .

Section 16. Tennessee Code Annotated, Section 71-6-114(a), is amended by inserting the language " ,

general sessions," between the language "circuit"
and the language "and" .

Section 17. Tennessee Code Annotated, Section 71-6-
102(1), is amended by deleting the language "living
alone" in the first sentence of the subdivision.

Section 18. The caption of the printed bill is
amended by deleting the language "abuse of elderly persons"
and by substituting instead the language "adult protective
services" .

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Bill No. 1558**, as amended, be
passed on third and final consideration, which motion prevailed by the
following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens,
Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,
Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber,
Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller,
Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell,
Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson,
Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),
Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,
Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr.
Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1150 -- Medical Occupations - Enacts "Volunteer
Health Care Services Act." Amends TCA Title 63, Chapter 6. by
*Armstrong, *McAfee (*SB1436 by *Gilbert).

On motion, House Bill No. 1150 was made to conform with **Senate
Bill No. 1436**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that **Senate Bill No. 1436** be passed on third
and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens,
Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,
Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.
(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,

McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1153 -- Health, Dept. of - Clarifies that certain boards are under division of health related boards for purpose of enforcing civil penalties imposed by such boards. Amends TCA Title 68, Chapter 1. by *Armstrong, *Ritchie, *Turner (Shelby), *Jones R (Shelby), *Miller L, *DeBerry L, *DeBerry J, *Towns, *Brooks, *Fruitt, *Bowers (*SB158 by *Haynes).

Rep. Armstrong moved that House Bill No. 1153 be reset to the Calendar for Monday, May 22, 1995, which motion prevailed.

House Bill No. 1441 -- Election Laws - Specifies documents required to be filed by date or time, must be prominently marked in red ink with date and time. Amends TCA Title 2, Chapter 1. by *Jones U (Shelby), *Bowers, *Towns (*SB1308 by *Ford J).

Rep. Jones U (Shelby) moved that House Bill No. 1441 be passed on third and final consideration.

Rep. Jones U (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1441 by deleting Section 1 in its entirety, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 2-1-108, is amended by adding the following language as a new, appropriately designated subsection:

() When a candidate files his or her original nominating petition, the election official charged with receiving the petition shall also immediately determine whether the candidate has signed the petition as required by Sections 2-5-101(b)(1) and 2-5-102. The official shall specifically indicate on the receipt required by subsection (b) above, whether or not the candidate has complied with those provisions.

On motion, Amendment No. 1 was adopted.

Rep. Jones R (Shelby) requested that House Bill No. 1441 be moved down ten places on the Calendar, which motion prevailed.

House Bill No. 1813 -- Taxes - Lowers minimum dollar value from \$20,000 to \$10,000 of state taxes due whereby commissioner of revenue may require payment in full on or before due date. Amends TCA 67-1-

703. by *Bittle, *Beavers, *Bird, *Cantrell, *Williams (Union), *Coffey, *Cole (Carter), *Clabough, *Newton, *Kent, *Wood, *Kerr, *Sharp, *Patton, *Ford S, *Peach, *Roach, *Haley (SB1802 by *Atchley, *McNally).

On motion, House Bill No. 1813 was made to conform with **Senate Bill No. 1802**; the Senate Bill was substituted for the House Bill.

Rep. Coffey moved that **Senate Bill No. 1802** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 79
Noes 12
Present and not voting 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Head, Hicks, Huskey, Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Rigsby, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Venable, Walley, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: DeBerry, L., Hargrove, Herron, Jones, R. (Shelby), Langster, Odom, Purcell, Ridgeway, Rinks, Turner (Hamilton), West, White -- 12.

Representatives present and not voting were: Jackson, Ritchie, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their official stand from not voting to no on Senate Bill No. 1802 and have this statement entered in the Journal: Rep(s). Williams(Williamson).

REGULAR CALENDAR, CONTINUED

***House Bill No. 1793** -- Unemployment Compensation - Purports to clarify Employment Security Law. Amends TCA Sections 50-7-303; 50-7-304; 50-7-305 and 50-7-404. by *Bittle, *Bird, *Cantrell, *Clabough, *Patton, *Wood, *Coffey, *Davis, *Gunnels, *Williams (Unio), *Beavers, *Kent, *Cole (Carter), *Kerr, *Sharp, *Ford S, *Newton, *Peach, *Roach, *Haley (SB1781 by *Elsea, *Rice, *Carter, *Haun, *McNally, *Atchley).

Rep. Gunnels moved that **House Bill No. 1793** be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

House Bill No. 1348 -- Pensions and Retirement Benefits - Authorizes retired members of TCRS to claim prior service for part-time employment and political subdivision service on same basis as other members of TCRS. Amends TCA Section 8-34-621 and Section 8-35-236. by *Winningham, *Davidson (*SB1522 by *O'Brien).

On motion, House Bill No. 1348 was made to conform with **Senate Bill No. 1522**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that **Senate Bill No. 1522** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 557** -- Municipal Government - Permits municipal school board to be appointed or elected at large as provided by charter rather than present requirement of election from districts. Amends TCA 49-2-201. by *McKee, *Gunnels, *Davis, *McDaniel, *Duer, *Coffey, *Givens (SB756 by *Elsea).

On motion, House Bill No. 557 was made to conform with **Senate Bill No. 756**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that Senate Bill No. 756 be passed on third and final consideration.

Rep. Davidson moved that Education Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 756 by deleting Section 3 of the printed bill in its entirety and by renumbering subsequent sections accordingly.

Rep. McKee requested that Senate Bill No. 756 be moved down ten places on the Calendar, which motion prevailed.

***House Bill No. 1383** -- Crime, Victims of - Specifies that victims of offenses against person have right to receive restitution from criminal offender. Amends TCA Title 40, Chapter 38. by *McKee, *Gunnels, *Roach, *Phelan, *Kerr, *Clabough, *Boyer, *Sharp, *Wood, *Herron (SB1617 by *Elsea).

Rep. McKee moved that House Bill No. 1383 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1383 by adding the following to the end of the amendatory language of Section 1:

The board of paroles shall have the authority to make exceptions only in cases where advanced age or deteriorated health makes such restitution impractical. The board of paroles shall make proper notification to the victim or victim's family prior to such action.

On motion, Amendment No. 1 was adopted.

Rep. McKee moved that **House Bill No. 1383**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1079 -- Alcoholic Beverages - Permits University of Memphis to serve alcoholic beverages in limited circumstances. Amends TCA Section 57-4-101 and Section 57-4-102. by *Kent, *DeBerry L (*SB1313 by *Cohen).

Further consideration of House Bill No. 1079, previously considered on April 12, 1995, and April 13, 1995, at which time it

failed to receive a constitutional majority and was re-referred to the Calendar and Rules Committee, and reset to today's Calendar.

Rep. Kent moved that **House Bill No. 1079** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	53
Noes	37
Present and not voting	1

Representatives voting aye were: Arriola, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Hassell, Head, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, McDaniel, McKee, McMillan, Miller, Napier, Odom, Phelan, Purcell, Rigsby, Rinks, Roach, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 53.

Representatives voting no were: Beavers, Bell, Burchett, Byrd, Clabough, Cross, Curtiss, Davidson, Dunn, Ford, Fowles, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Herron, Hicks, Kerr, McAfee, McDonald, Peach, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Ritchie, Sharp, Shirley, Stulce, Walley, White, Williams (Union), Windle, Winningham, Wood -- 37.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

House Bill No. 830 -- Mental Retardation - Requires superintendent of developmental centers to admit mentally retarded child on petition of parent or guardian if placement is appropriate, subject to availability of suitable accommodations. There is rebuttable presumption that parent has selected appropriate placement. Amends TCA Title 33. by *Haley, *Naifeh, *Shirley (*SB993 by *Wildger).

Rep. Haley moved that House Bill No. 830 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 830 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-5-101, is amended by designating the existing language as subsection (b) and adding the following language and designating it as subsection (a):

(a) Any parent, guardian, or conservator of a person with mental retardation, or a competent person with mental retardation (referred to below as the parent, guardian, or other applicant) may apply

to the department through its regional office of community services or other designated entity to make available for such person with mental retardation an appropriate service. The regional office of community services or other designated entity must inform the parent, guardian, or other applicant about all options for services for the individual with mental retardation. If the regional office of community services or other designated entity determines that the service applied for is not available or suitable, the regional office of community services or other designated entity must provide to the parent, guardian, or other applicant, in writing, (1) the basis on which the regional office of community services or other designated entity relies for the determination and (2) the identification of appropriate service options for the person with mental retardation as well as the time estimated for provision of such service. If the parent, guardian, or other applicant disagrees with the recommendations of the regional office of community services or other designated entity, he may request review by the commissioner. The commissioner may delegate responsibility for the review to the assistant commissioner for mental retardation services. The commissioner or the assistant commissioner for mental retardation services must review the recommendation of the regional office of community services or other designated entity and may meet with the parent, guardian, or other applicant and representatives of the regional office of community services or other designated entity before preparing a written statement of findings. The commissioner or the assistant commissioner for mental retardation services must issue the written statement of findings to the parent, guardian, or other applicant within fifteen business days after such meeting or receipt of the request for review, whichever is later.

SECTION 2 . This act shall take effect upon becoming a law, the public welfare requiring it.
On motion, Amendment No. 1 was adopted.

Rep. Haley moved that **House Bill No. 830**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway,

Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1490** -- Gas, Petroleum Products, Volatile Oils - Authorizes gas acquisition corporations to act jointly and to contract with other entities. Amends TCA Title 7, Chapter 39, Part 3. by *Head, *McMillan (SB1608 by *Rice).

On motion, House Bill No. 1490 was made to conform with **Senate Bill No. 1608**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 1608 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Committee Amendment No. 1.

Rep. Head moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1608 by adding a new subsection (c) to the amendatory language in Section 1 to read as follows:

(c) Any gas acquisition corporation operating under the provisions of subsections (a) and/or (b) above shall be subject to the following provisions:

(1) All funds of the corporation shall be deposited and invested in accordance with the provisions of Title 9, Chapter 4, Parts 1, 4, 5 and 7.

(2) Any contract, or agreement, including a contract relating to the issuance of bonds, entered into by such corporation shall first receive the approval of the governing body of each municipality for whose benefit the corporation is acting.

(3) Such corporation shall be audited in the manner provided in Title 6, Chapter 56, Tennessee Code Annotated.

On motion, Amendment No. 2 was adopted.

Rep. Head moved that **Senate Bill No. 1608**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 439 -- Sunset Laws - Terminates state seed board. Amends TCA Title 4, Chapter 29; Title 43, Chapter 10. by *Kernell, *Garrett, *Brooks (*SB508 by *Haynes).

On motion, House Bill No. 439 was made to conform with **Senate Bill No. 508**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 508** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1423 -- Education - Extends truancy and attendance provisions to children between ages five and seven, whose parent or guardian has entered them in school or kindergarten. Amends TCA Section 49-6-3007. by *Towns(*SB1478 by *Womack).

Rep. Towns moved that House Bill No. 1423 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

House Bill No. 1441 -- Election Laws - Specifies documents required to be filed by date or time, must be prominently marked in red ink with date and time. Amends TCA Title 2, Chapter 1. by *Jones U (Shelby), *Bowers, *Towns (*SB1308 by *Ford J).

Further consideration of House Bill No. 1441 previously considered on today's Calendar.

Rep. Jones U (Shelby) moved that House Bill No. 1441 be passed on third and final consideration.

Rep. Arriola moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1441 by adding the following as a new section to precede the effective date section:

Section ____ Tennessee Code Annotated, Title 2, Chapter 1, is amended by adding the following as a new section to be appropriately designated:

Section ____ When a commission or board established under this title receives a document which is required to be signed by a candidate and the signature of such candidate is absent, the commission or board shall notify the candidate that such signature is absent. For the purposes of this section, the document shall not be considered invalid solely due to a lack of signature.

On motion, Amendment No. 2 was adopted.

Rep. Jones U (Shelby) moved that **House Bill No. 1441**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

House Bill No. 457 -- Sunset Laws - Tennessee corrections institute, board of control, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 41, Chapter 7. by *Kernell, *Garrett, *Brooks (*SB178 by *Haynes).

Further consideration of House Bill No. 457, previously considered on April 26, 1995, and reset to today's Calendar.

Rep. Kernell moved that House Bill No. 457 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

House Bill No. 1728 -- Hazardous Materials - Prohibits portable hazardous waste treatment facilities from bringing hazardous wastes from outside of Tennessee into state for storage and treatment. Amends TCA Title 68, Chapter 212. by *Jackson, *Pinion, *Buck, *Cross, *Ridgeway (*SB1644 by *Springer).

Further consideration of House Bill No. 1728, previously considered on April 26, 1995, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 1728 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

House Bill No. 1406 -- Juvenile Offenders - Enacts "Child Curfew Act of 1995" for Shelby County. by *Jones U (Shelby), *Bowers, *Towns, *Jones U (Shelby) (*SB231 by *Dixon).

Further consideration of House Bill No. 1406, previously considered on April 20, 1995 and April 26, 1995, and reset to today's Calendar.

On motion, House Bill No. 1406 was made to conform with **Senate Bill No. 231**; the Senate Bill was substituted for the House Bill.

Rep. Jones U (Shelby) moved that Senate Bill No. 231 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Jones U (Shelby) moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Jackson moved the previous question, which motion was immediately withdrawn.

Rep. Jones U (Shelby) moved that Senate Bill No. 231 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

Senate Bill No. 756 -- Municipal Government - Permits municipal school board to be appointed or elected at large as provided by charter rather than present requirement of election from districts. Amends TCA 49-2-201. by *Elsea (HB557 by *McKee, *Gunnels, *Davis, *McDaniel, *Duer, *Coffey, *Givens).

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

Further consideration of Senate Bill No. 756 previously considered on today's Calendar.

Rep. McKee moved that Senate Bill No. 756 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 756 by deleting Section 3 of the printed bill in its entirety and by renumbering subsequent sections accordingly.

Rep. McKee moved that Senate Bill No. 756 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

MESSAGE FROM THE SENATE

May 15, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1232; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1232 -- Charitable Institutions --** Redefines "nonprofit civic organization"; loosens restrictions on municipalities that wish to make contributions to nonprofit organizations. Amends TCA Section 6-54-111. by *Jordan.

REGULAR CALENDAR, CONTINUED

House Bill No. 571 -- Annexation - Requires annexation notice used by city to contain map showing area to be annexed; map shall include street names, natural boundaries, and property lines, as appropriate. Amends TCA 6-51-101. by *Bragg (*SB 429 by *Rochelle).

On motion, House Bill No. 571 was made to conform with **Senate Bill No. 429**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 429 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 429** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel,

McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1271 -- Contractors - Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by *Garrett (*SB768 by *Haynes).

Speaker Naifeh moved that House Bill No. 1271 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

House Bill No. 1115 -- Mental Illness - Requires permission of custodial parent to release mental health records of minors. Amends TCA Title 33, Chapter 3. by *Ritchie (*SB1419 by *Gilbert).

Rep. Ritchie moved that House Bill No. 1115 be reset to the Calendar for Monday, May 22, 1995, which motion prevailed.

House Bill No. 815 -- Criminal Procedure - Removes defense to prosecution as accessory after the fact for persons who merely harbor or conceal relative. Amends TCA Title 39, Chapter 11. by *Davis, *Huskey, *Roach, *Williams (Unio), *Boyer, *Whitson, *Hicks, *Rinks, *Rigsby, *Givens (*SB222 by *Haun).

On motion, House Bill No. 815 was made to conform with **Senate Bill No. 222**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 222 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Westmoreland moved the previous question, which motion prevailed by the following vote:

Ayes	76
Noes	14

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner

(Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 76.

Representatives voting no were: Bowers, Brooks, Brown, Chumney, DeBerry, J., DeBerry, L., Duer, Hargrove, Jones, R. (Shelby), Kernell, Miller, Newton, Towns, Turner (Shelby) -- 14.

Rep. Davis moved that **Senate Bill No. 222** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	3
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Bowers, Brooks, Brown -- 3.

Representatives present and not voting were: DeBerry, J., DeBerry, L., Miller, Turner (Shelby) -- 4.

A motion to reconsider was tabled.

***House Bill No. 808** -- Arrests - Makes evading arrest in motor vehicle Class E felony if offense from which person fleeing is felony offense. Amends TCA Title 39, Chapter 16, Part 6. by *Langster, *Brown, *DeBerry L., *West, *Pruitt, *Walley, *Herron, *Eckles, *Arriola, *Haley (*SB790 by *Haynes).

Rep. Langster moved that House Bill No. 808 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 808 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 39-16-603, is amended by deleting the section in its entirety and substituting instead the following:
39-16-603.

(a)(1) Except as provided in subsection (b), it is unlawful for any person to intentionally flee by

any means of locomotion from anyone the person
knows to be a law enforcement officer if the
person:

(A) Knows the officer is attempting to
arrest the person; or

(B) Has been arrested.

(2) It is a defense to prosecution under this
subsection that the attempted arrest was unlawful.

(3) A violation of subsection (a) is a Class A
misdemeanor.

(b)(1) It is unlawful for any person, while
operating a motor vehicle on any street, road,
alley or highway in this state, to
intentionally flee or attempt to elude any law enforcement
officer, after having received any signal from such
officer to bring the vehicle to a stop.

(2) It is a defense to prosecution under this
subsection that the attempted arrest was unlawful.

(3) A violation of subsection (b) is a Class E
felony unless the flight or attempt to elude
creates a risk of death or injury to innocent
bystanders or other third parties in which case a violation of
subsection (b) is a Class D felony.

(4) In addition to the penalty prescribed in
this subsection, the court shall order the suspension of
the driver license of such person for a period of
not less than six (6) months nor more than two (2)
years. If the license is already suspended at the time the order
is issued, the suspension shall begin on the date
the existing suspension ends. The court shall also
confiscate the license being suspended and
forward it to the department of safety along with a report of the
license suspension. If the court is unable to take
physical possession of such license, the court shall
nevertheless forward the report to the
department. The report shall include the complete name, address,
birth date, eye color, sex, and driver license
number, if known, of the person whose license has
been suspended and shall indicate the first and
last day of the suspension period. If the person is the holder of a
license from another state, the court shall not confiscate
the license but shall notify the department which
shall notify the appropriate licensing officials
in such other state. The court shall, however,
suspend the person's non-resident driving privileges for the
appropriate length of time.

SECTION 2. This act shall take effect on July 1,
1995, the public welfare requiring it and shall apply
to all violations occurring on or after such date.
On motion, Amendment No. 1 was adopted.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 808 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be _____ an appropriation of funds and no funds shall be obligated or expended _____ pursuant to this act unless such funds are specifically appropriated by the _____ general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Miller moved the previous question, which motion prevailed.

Rep. Langster moved that **House Bill No. 808**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Bowers, Jones, U. (Shelby), Turner (Shelby) -- 3.

A motion to reconsider was tabled.

House Bill No. 814 -- Charitable Institutions - Redefines "nonprofit civic organization"; loosens restrictions on municipalities that wish to make contributions to nonprofit organizations. Amends TCA Section 6-54-111. by *Williams (Williamson), *Callicott (*SB1232 by *Jordan).

On motion, House Bill No. 814 was made to conform with **Senate Bill No. 1232**; the Senate Bill was substituted for the House Bill.

Rep. Williams(Williamson) moved that Senate Bill No. 1232 be passed on third and final consideration.

On motion, Rep. Jones R. (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Williams(Williamson) moved that **Senate Bill No. 1232**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Haley, Sharp -- 2.

A motion to reconsider was tabled.

House Bill No. 909 -- Health, Dept. of - Removes swimming pools owned and operated by condominiums and homeowner associations from requirements imposed upon public swimming pools. Amends TCA Title 68, Chapter 14, Part 3. by *Arriola (*SB816 by *Henry, *Atchley, *Gilbert, *McNally, *Koella, *Ford J).

Rep. Arriola moved that House Bill No. 909 be reset to the Calendar for Thursday, May 18, 1995, which motion prevailed.

House Bill No. 35 -- Probation - Changes dollar amount of fines from \$10.00 per month to between \$10.00 and \$35.00, to be imposed by courts upon defendant being granted suspension of prosecution for a period of two years under memorandum of understanding. Amends TCA 40-15-105. by *Kent (*SB17 by *Person).

Rep. Kent moved that House Bill No. 35 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 35 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 40-15-105(a), is amended by designating subdivision (1) as subdivision (1)(A) and by adding the following new subdivision:

(1)(B) Notwithstanding the provisions of subdivision (a)(1)(A), to the contrary, in any county having a population in excess of 800,000 according to the 1990 federal census of population or any subsequent federal census, such defendant shall pay a fee of not less than ten dollars (\$10) nor more than thirty-five dollars (\$35) per month, as determined by the court.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 35**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	1
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 90.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Peach, Rinks, Turner (Shelby), Mr. Speaker Naifeh -- 4.

A motion to reconsider was tabled.

House Bill No. 1461 -- Election Laws - Allows person eligible for restoration of citizenship rights to certify to county registrar as to status. Amends TCA 40-29-105. by *Towns, *Bowers, *Turner (Shelby), *DeBerry J, *Brooks, *Towns (*SB545 by *Ford J).

Further consideration of House Bill No. 1461, previously considered on April 27, 1995, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

Rep. Towns moved that House Bill No. 1461 be reset to the Calendar for Monday, May 22, 1995, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENT

***House Bill No. 121** -- Taxes, Sales -- Exempts from sales and use tax, sale of United States and state flags by nonprofit organizations. Amends TCA 67-6-329. by *Joyce (SB611 *Leatherwood, *Dixon).

Senate Amendment No. 1

AMEND House Bill No. 121 by deleting Section 1 of the printed bill and by substituting the following:

Section 1. Tennessee Code Annotated, Section 67-6-329, is amended by adding the following language as a new subsection (b) and redesignating subsequent subsections accordingly:

(b) There is excluded from the sales and use tax base that portion of the consideration received from the sale of United States and Tennessee state flags sold by a non-profit organization, equal to the consideration paid by the non-profit organization for such flags.

Rep. Joyce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 121**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union),

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 612 -- Motor Vehicles, Titling and Registration -- Establishes annual special permit for transport of over-dimensional manufactured roof trusses. Amends TCA Title 55, Chapter 7. by *Rinks (*SB539 *Wallace).

Senate Amendment No. 1

AMEND House Bill No. 612 in subsection (a) of the amendatory language of Section 1 by inserting the word "width" between the words "the" and "dimension".

Rep. Rinks moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 612**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 17, 1995:

House Bill No. 90: by Rep. Kisber.

House Bill No. 157: by Rep. Rhinehart.

House Bill No. 172: by Rep. Fowlkes.

House Bill No. 330: by Rep. Venable.

House Bill No. 651: by Rep. Callicott.

House Bill No. 655: by Rep. Buck.

House Bill No. 1179: by Rep. Rhinehart.

House Bill No. 1487: by Rep. McMillan.

House Bill No. 1510: by Rep. Kisber.

House Bill No. 1615: by Rep. Napier.

House Bill No. 1649: by Rep. West.

RULES SUSPENDED

Rep. Robinson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 229 out of order, which motion prevailed.

Senate Joint Resolution No. 229 -- Naming and Designating--
"Dede Wallace Center Day," May 19, 1995. by *Haynes.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Robinson, the resolution was concurred in.

A motion to reconsider was tabled.

SPECIAL ORDER

Rep. Jackson moved House Joint Resolution No. 70 be set to the Heel of the Regular Calendar for Wednesday, May 17, 1995, which motion prevailed.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 268: Rep(s). Walley, Rinks, McDaniel and White as prime sponsor(s).

House Joint Resolution No. 291: Rep(s). Williams(Union) as prime sponsor(s).

House Bill No. 306: Rep(s). Armstrong and Tindell as prime sponsor(s).

House Bill No. 777: Rep(s). Ramsey, Venable and Westmoreland as prime sponsor(s).

House Bill No. 1172: Rep(s). Davidson as prime sponsor(s).

House Bill No. 1213: Rep(s). Hassell, Lewis and Rigsby as prime sponsor(s).

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 217; concurred in by the Senate.
CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR
May 15, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1811, with his approval.
HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 157; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1472; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
May 15, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 35, 151, 308, 696, 808, 830, 840, 1079, 1309, 1363, 1383, 1441, 1492, 1558, 1593, 1634, 1765, 1772, 1784 and 1842; also, House Joint Resolution(s) No(s). 61, 172, 204, 220, 223, 234, 264, 265, 266, 267, 269, 279, 280 and 291.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1789; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 431, 601, 828, 1156, 1252 and 1758; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 431 -- Licenses - Authorizes board of professional counselors to license without examination applicants licensed in other states. Amends TCA Title 63, Chapter 22, Part 1. by *Dixon, *Miller J.

*Senate Bill No. 601 -- School Districts, Special - Permits special school district to be established in Shelby County as long as one city is in district. Amends TCA Title 49, Chapter 2, Part 5. by *Leatherwood.

*Senate Bill No. 828 -- Insurance, Health, Accident - Decreases from 20 to 15, number of days within which hearing will be held for action of commissioner in denying authority to issue insurance based on finding that benefits are not reasonable in relation to premium charged. Amends TCA Section 56-26-102. by *Person.

*Senate Bill No. 1156 -- Memphis - Subject to local approval, permits election of school board members to staggered terms beginning with October 1995 election; sets election day same as regular November election beginning in year 2000. Amends Chapter 39, Acts of 1868-1869, as amended. by *Kyle.

*Senate Bill No. 1252 -- Criminal Offenses - Creates offense of hazing; requires each higher education institution to adopt written policy prohibiting hazing. Amends TCA Title 39, Chapter 13, Part 1. by *Harper, *Dixon.

*Senate Bill No. 1758 -- Sentencing - Permits the district attorney general to use prior delinquent acts that would constitute a felony if committed by an adult to enhance the sentence of an adult offender as a multiple, persistent or career offender. Amends TCA Title 40, Chapter 35. by *Miller J, *Atchley, *Person, *McNally, *Rice, *Leatherwood, *Holcomb, *Fowler, *Hamilton.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

MONDAY, MAY 15, 1995 -- FORTIETH LEGISLATIVE DAY

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m.,
Wednesday, May 17, 1995.